

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
IN RE METHYL TERTIARY BUTYL ETHER  
PRODUCTS LIABILITY LITIGATION  
----- X

This document relates to:

*Town of Duxbury, et al. v. Amerada Hess Corporation,*  
*et al.*, Case No. 04-CV-01725  
----- X

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 9/18/08

Master File No. 1:00-1898  
MDL 1358 (SAS), M21-88

**ORDER OF DISMISSAL WITH  
PREJUDICE**

The Plaintiffs and those Settling Defendants that are parties in this action as set forth on the attached Exhibit A have advised the Court that they have resolved the matters between them pursuant to the Settlement Agreement<sup>1</sup>, and Plaintiffs have now moved without opposition for the entry of this agreed upon dismissal of all claims of any kind pending against the Settling

Defendants with prejudice. The Court finds that the motion for dismissal of Settling Defendants with prejudice from this action should be granted and that:

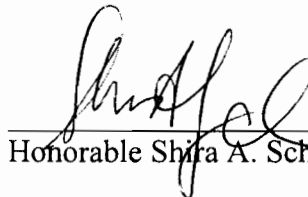
**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** as follows:

1. The Plaintiffs and Settling Defendants have advised the Court that they have resolved the matters between them pursuant to a Settlement Agreement and a release.
2. Pursuant to the Settlement Agreement, the settling parties consent to the dismissal with prejudice of Settling Defendants only from this action.

<sup>1</sup> The Settlement Agreement dated as of March 12, 2008 ("Settlement Agreement") was filed with this Court on May 7, 2008 in connection with a motion for good faith determination under California and Illinois law in certain other cases. This motion was granted and a judgment entered. See Amended Opinion and Order at 2008 WL 2944653 (July 30, 2008). The term "Settling Defendants" used herein is as defined in the Settlement Agreement.

3. No other parties have objected to the dismissal of the above entitled action with prejudice as to the Settling Defendants only.
4. Therefore, this action, including all claims, counterclaims, and cross-claims of any kind, is hereby dismissed with prejudice only as to those Settling Defendants that have been named or have appeared in the above captioned action, including those identified on the attached Exhibit A, with each party to bear its own costs and attorneys' fees.

ENTERED this 17 day of September, 2008:

  
\_\_\_\_\_  
Honorable Shira A. Scheindlin

## EXHIBIT A

The Settling Defendants below are named defendants in the case of *Town of Duxbury, et al. v. Amerada Hess Corporation, et al.*, Case No. 04-CV-01725 and are listed as they appear in the caption of Plaintiffs' complaint (even if erroneously identified or no longer in existence).

1. Amerada Hess Corporation
2. Atlantic Richfield Company, individually and doing business as ARCO Products Company (f/k/a ARCO Petroleum Co.), and also known as ARCO
3. BP Products North America, Inc., individually and formerly known as Amoco Oil Company
4. ChevronTexaco Corp., individually and as successor-in-interest to Chevron Corp. and as successor in interest to Texaco Inc.
5. Chevron U.S.A., Inc., individually and formerly known as Gulf Oil Corp. (d/b/a Chevron Products Company, d/b/a Chevron Chemical Company
6. CITGO Petroleum Corporation
7. CITGO Refining and Chemicals Company, LP
8. Coastal Eagle Point Oil Company
9. Coastal Oil New England, Inc
10. Colorado Refining Company
11. ConocoPhillips Company, (f/k/a Phillips Petroleum Company individually and as successor-in-interest to Tosco Corporation and d/b/a Phillips 66 Company)
12. El Paso Merchant Energy-Petroleum Company, individually and formerly known as Coastal Refining and Marketing, Inc. and formerly known as Coastal States Trading, Inc.
13. Equilon Enterprises, LLC, individually and also known as Shell Oil Products US
14. Flint Hills Resources, LP (f/k/a Koch Petroleum Group, LP)
15. Lyondell-CITGO Refining, LP
16. Motiva Enterprises, LLC (individually and f/k/a Star Enterprises LLC)
17. PDV Midwest Refining
18. The Premcor Refining Group, Inc., individually and formerly known as Clark Refining
19. Shell Oil Company
20. Shell Oil Products Company
21. Shell Oil Products Company, LLC
22. Shell Petroleum, Inc.
23. Shell Trading (US) Company, individually and formerly known as Equiva Trading Company, and also known as STUSCO
24. Sunoco, Inc., individually and formerly known as Sun Oil Company, and formerly known as Sun Company, Inc.
25. Sunoco, Inc. (R&M), individually and formerly known as sun Refining and Marketing Company and formerly known as Sun Company Inc. (R&M)
26. Texaco Inc.
27. Texaco Refining and Marketing (East) Inc.
28. TMR Company (f/k/a Texaco Refining and Marketing Inc., individually and as successor-by-merger to TRME Co. (f/k/a Texaco Refining and Marketing (East) Inc.)
29. Tosco Corporation, individually and also known as Tosco Refining Company, and also known as Tosco Marketing Company
30. TPI Petroleum, Inc.

- 31. Valero Energy Corporation
- 32. Valero Marketing and Supply Company
- 33. Valero Refining Company
- 34. Valero Refining and Marketing Company